

29. (New) The method of claim 27 wherein the inner surface of the facing has mesh material extending therefrom.

30. (New) The block of claim 1 wherein said facing is a cementitious facing.

REMARKS

Claims 1-2, 4-7, 18-19, and 24-30 are pending in the present application. In the office action of January 30, 2002, the Examiner refers to Figs. 2 and 4, and asserts that the Komasara '693 patent discloses a form pattern assembly having, *inter alia*, a "taper void 52'." Element 52' is not present in either of Figs. 2 or 4. Fig. 5 shows a cylindrical void 52 extending generally vertically (i.e., transverse to its length) and describes it as follows at Col. 5, lines 63-64:

further plurality of interiorly and arcuately formed extending and concrete filling passageways 52 (see FIG. 5).

These passageways are formed by a stamping machine 44 that includes a retractable press "which moves in a direction along arrow 46 . . . and includes elongate forming portions 48" (evidently cutting tubes) which are pressed through the form strip to form the arcuately formed extending and concrete filling passageways 52 (see Col. 5, Lines 50-66). As the cutting tubes 44 are pressed through the form structure 14, a cylinder would be cut. Although cylinders indeed have arcuate walls, they are not tapered. A conical void, for example, would be tapered from top to bottom (or bottom to top if the cone was pointed downward, as the diameter increases or decreases as you travel along the vertical axis of the cone. Other shapes, such as a truncated pyramid, would be tapered. The cylindrical cuts made by the elongate forming portions 48 to form the interiorly and arcuately formed extending and concrete filling passageways 52 are not shown as tapered, and nothing in the Komasara '693 patents suggests that they are tapered. Further, the patent does not teach any method for forming tapered voids using the stamping table 44. Further, the perpendicular "concrete filling passageways" 52' of

Fig. 8 are likewise presumably die cut in the same manner and would likewise be cylindrical rather than tapered.

Komasara is further distinguished from the claims, as amended, as it uses a die extrusion process and pressure cutting process to form the elongate form structure 14 and the voids therein. By contrast, Claim 1 recites that the block is a molded, not die extruded. The molding of the block has economic and practical effects, such as allowing the blocks to be manufactured at a construction site. Likewise, the tapered vertical void in the block of the present invention facilitates removal of the block from the mold, but would have no analog in the die extrusion process of Komasara.

Komasara also fails to disclose or suggest bonding a facing to a block in the molding of the block. To the contrary, Komasara provides for attachment of nailing strips.

The Examiner acknowledges that Komasara does not disclose a facing made of cementitious material, the use of urethane foam or use of a chicken wire mesh, and relies on the teachings of Hanson '035 and Cretti '622 for these teachings.

Cretti discloses the use of a stretched metallic lath 16 as the Examiner asserts. The lath 16 is described in Col. 8, Lines 34-65 as follows:

... the construction element 1 further comprises a lath 16 for supporting at least one layer of a suitable covering material, such as plaster, welded to the lower fins of the reinforcing section bars 8, 9. . . . Preferably, the lath 16 is a stretched mesh of a zinc galvanized cold-rolled metal sheet, which is adapted to receive cement, lime, or gypsum and is corrosion resistant.

The lath 16 is thus not a facing, but is merely intended to receive a coating layer of another material. The layer of material is not applied during molding of the element 1, but rather is added later. It appears from the specification that the coating is intended to adhere to the lath 16 and that it does not adhere to the expanded plastic well, as Col. 5, Lines 34-65 states that the method of making the construction element includes partially or totally enucleating the lath from the expanded plastic of the construction element. A method for using hot air to cause the to shrink the expanded plastic back from the lath is provided. The patent continues to provide that scraping of the outer surface of the construction element to remove "the so-called "skin", of the expanded plastics and enable a more effective surface thermal treatment. Thus, it

is clear that no application of the covering material is contemplated by Cretti until after completion of the molding process and removal of the construction element from the mold. This teaches away from bonding a facing to a block during the molding of the block. Similarly, Hanson does not provide any teaching of adhering a facing to a block during molding.

As mentioned above, Komasara does not teach the providing of a tapered void. Likewise, applicant could not find any teaching or suggestion in Cretti or Hanson of the use of a vertically-extending tapered void.

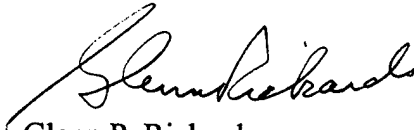
Accordingly, no combination of the references teach or suggest all of the elements of any of the claims, and as such it cannot be said that the present claims are obvious in view of any combination of the references cited by the Examiner.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version with Markings to Show Changes Made"**.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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Enclosures:

Postcard

Fee Transmittal Sheet (+ copy)

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please cancel claim 3, amend claims 1, 2, 4, 7 and 18, and add new claims 24-30 as follows:

1. (Amended) A foam construction block comprising:

a [generally] rectangular molded block of foam forming [a plurality of generally] at least one horizontally-extending void and at least one vertically-extending [voids] void, at least one of [said horizontally] the vertically-extending voids extending between the top and bottom surfaces of said block and being tapered along its length, and at least one of [said] the [vertically] horizontally-extending voids extending between the side surfaces of said block, at least one of said horizontally-extending voids intersecting at least one of said vertically-extending voids;

a facing [made of a cementitious material and] bonded to an exterior surface of said block during the molding of the block, said facing covering substantially all of the face of the block to which it is adhered.

2. (Amended) The foam construction block of claim [1] 26 wherein said facing comprises two facing pieces adhered to said block of foam in abutting relation, such that said block of foam may be cut transversely into two pieces, each of which has one of said facing pieces adhered thereto.

4. (Amended) The foam construction block of claim [1] 26 wherein a mesh material is embedded in the inwardly-facing surface of said facing and protrudes therefrom, and wherein said mesh material protruding from the facing is embedded in said block of foam during the molding of the block.

7. (Amended) The foam construction block of claim [1] 26 wherein said block of foam comprises urethane foam.

18. (Amended) A foam construction block comprising a molded block of foam of [generally] rectangular horizontal and vertical cross section, said block having first and second ends, first and second faces and upper and lower [top] faces and having [voids] at least one horizontally-extending void formed along one of the upper and lower surfaces and extending between said end [faces, and having voids formed along the end faces extending between said top and bottom] faces, and having at least one tapered void formed in the block body and extending between [said voids formed along] the upper and lower surfaces.

24. (New) The block of claim 18 wherein a facing is bonded to the block during the molding process.

25. (New) The block of claim 24 wherein said foam block is a urethane foam block.

26. (New) A method of building a structure comprising:
providing at least one mold at a construction site for molding a foam block, the mold having an internal mold cavity for forming a block having first and second ends, first and second faces and upper and lower faces and having at least one horizontally-extending void formed along one of the upper and lower surfaces and extending between said end faces, and having at least one tapered void formed in the block body and extending between the upper and lower surfaces;

introducing a urethane foam generating composition into the mold at the construction site in a quantity sufficient to form a block in the internal mold cavity;

removing the block from the mold;

laying the block as one of a course of blocks such that it has at least one reinforcing rod extending vertically through a vertically-extending void in the block and at least one reinforcing rod extending horizontally through a horizontally-extending void in the block;
and

introducing a concrete mixture into at least one horizontally-extending and one vertically-extending void of the block.

27. (New) The method of claim 26 further comprising the step of bracing the block against at least one of the horizontally- and vertically-extending reinforcing rods to restrict upward movement of the block prior to introducing the concrete mixture.

28. (New) The method of claim 27 further comprising the step of positioning a block facing in the mold adjacent to an interior surface of the mold prior to introduction of the urethane foam generating composition into the mold.

29. (New) The method of claim 27 wherein the inner surface of the facing has mesh material extending therefrom.

30. (New) The block of claim 1 wherein said facing is a cementitious facing.